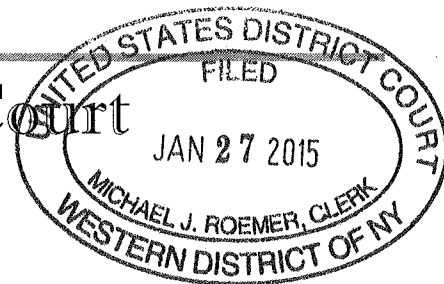


United States District Court

for the
Western District of New York



United States of America

v.

Case No. 15-M-2040

DANIEL HUZINEC

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 27, 2015 in the Western District of New York, the defendant violated Title 18 U.S.C. §§ 2251(a) & 2252A(a)(5)(B), offenses described as follows:

knowing use of a person less than 18 years old with the intent that such person engage in sexually explicit conduct as defined in Title 18 U.S.C. Section 2256 for the purpose of producing a visual depiction of that person engaging in such conduct using materials that have been mailed, shipped or transported in or affecting interstate or foreign commerce by any means

knowing possession of material which contained images of child pornography, as defined in Title 18, U.S.C. Section 2256(8), that have been shipped or transported using any means and facility of interstate and foreign commerce, that have been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, or that were produced using materials that had been mailed or shipped or transported in and affecting interstate and foreign commerce by any means, including by computer.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

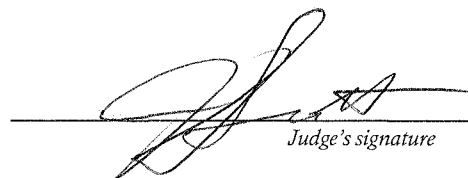
LeRoy Oswald, III
SPECIAL AGENT
Homeland Security Investigations
Printed name and title

Sworn to before me and signed in my presence.

Date: January 27, 2015



City and State: Buffalo, New York


Judge's signature

HONORABLE HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE)
CITY OF BUFFALO)

I, LeRoy Oswald III, being duly sworn, depose and say:

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), currently assigned to Buffalo, NY and have been so employed since July 7, 2008. As such I am a law enforcement officer of the United States, within the meaning of Section 115(c)(1) of Title 18, United States Code, who is "authorized by law or by Government agency to engage in or supervise the prevention, detection, investigation or prosecution of any violation of Federal criminal law." Prior to my appointment as an HSI Special Agent I was employed as a Special Agent with the United States Drug Enforcement Administration (DEA) for approximately two years. As part of my duties as an HSI Agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the receipt and possession of child pornography, in violation of 18 U.S.C. Section 2252A(a). I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review multiple examples of child pornography (as defined in 18 U.S.C. § 2256) in various forms of media including computer media. I have also participated in the execution of numerous search warrants, a number of which involved child exploitation and/or child pornography offenses.

2. I make this affidavit in support of the criminal complaint charging Daniel HUZINEC (hereinafter "the defendant") with violations of Title 18, United States Code,

Sections 2251(a) and 2252A(a)(5)(B), the production and knowing possession of child pornography.

3. The statements contained in this Affidavit are based upon information provided to me by HSI Agents, other law enforcement officers, and personnel specifically trained in the seizure and analysis of computers and electronic media, and on my experience and training as a Special Agent with HSI. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant did knowingly violate Title 18, United States Code, Sections 2251(a) and 2252A(a)(5)(B).

4. In December of 2013, SA Patrick McCall of HSI Wilmington, DE established a "covert" peer to peer user account in order to conduct child exploitation investigations on a peer to peer network. As there are multiple ongoing investigations regarding this peer to peer account, this user account will be referred to as the "covert" account.

5. On December 3, 2014, SA McCall, using a computer connected to the Internet, signed into the "covert" account on the peer to peer network and saw that a user named [user name redacted] was sharing files in numerous password-protected shared folders entitled "All Videos for Trade," "All Pictures for Trade", and "Zip Files." At this time, SA McCall engaged in an online chat with [user name redacted] who provided passwords "videos725," "pic725", and "zip1375" to access his password-protected shared folders. At

approximately 9:37 A.M. EST on the same date, SA McCall selected 52 image files of young males engaging or posing in a lewd and lascivious manner and began to download these files directly from [user name redacted] peer to peer network. Many of the downloaded files depicted male children engaged in sexually explicit conduct including sexual abuse of male children by adult males, male children engaging in sexual activity with other male children, or male children posing nude in sexually explicit poses. The following table provides information regarding three of the downloaded files:

Filename	Description
2(23).jpg	This image depicts two naked pre-pubescent male children on a bed. One of the male children is lying on his back with his legs spread open while the other male child is inserting his erect penis into the anus of the male child lying on his back.
145.jpg	This image depicts a naked pre-pubescent male child straddling the waist of a clothed adult male whose erect penis is exposed and positioned between the male child's legs. The male child is fondling the adult male's penis
1282148116324.jpg	This image depicts two naked pre-pubescent males lying on a bed side by side with their penises erect. Each male has his hand on the other's penis.

6. During the download of these files, SA McCall used a software utility in order to identify the internet protocol (IP) address of [user name redacted]. This IP address was identified as "198.255.208.217". A query of the American Registry for Internet Numbers ("ARIN") online database revealed that IP address "198.255.208.217" was registered to the Internet Service Provider (ISP) Time Warner Cable and is believed to be located near Buffalo, New York based on Maxmind geolocation of the IP address.

7. On December 5, 2014, a U.S. Immigration and Customs Enforcement summons was served on Time Warner Cable by SA McCall relating to IP address "198.255.208.217" during the time of the online undercover sessions. On December 9, 2014, Time Warner Cable responded to the summons and identified the subscriber account to which the target IP address was assigned on the date and time the files were downloaded as Daniel HUZINEC of 508 Marilla Street, Buffalo, New York 14220.

8. In the course of the investigation, HSI Agents obtained a federal search warrant of 508 Marilla Street, Buffalo, New York 14220. HSI Agents executed the federal search warrant on January 27, 2015. During the execution of the search warrant, agents spoke with Daniel HUZINEC, the resident of 508 Marilla Street, Buffalo, New York 14220. Daniel HUZINEC knowingly waived his *Miranda* rights and admitted to agents that he had downloaded child pornography onto his computer.

9. Daniel HUZINEC also advised agents that he works at two different organizations involving minor age children. One organization involves minor age children of both sexes. The second organization involves minor age boys.

10. Daniel HUZINEC admitted that, during the course of his involvement with the organization involving minor age boys, he touched the penis of one boy while he was sleeping. Daniel HUZINEC also admitted that he used his cell phone to take pictures of the penis of one sleeping boy for his own sexual gratification. Daniel HUZINEC admitted that he transferred the pictures from his cell phone to a laptop computer.

11. While executing the search warrant, numerous items were seized from HUZINEC'S residence including a Dell Inspiron 17R laptop computer. These items were forensically examined.

12. A preliminary forensic analysis of his computers and other electronic media were conducted by HSI Computer Forensic Agent (CFA) Reggie Mathews, in Buffalo, New York.

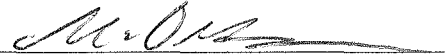
13. The examination of Daniel HUZINEC'S computer and other electronic media by CFA Mathews located visual depictions of minors engaged in sexually explicit conduct. CFA Mathews also located sexually explicit pictures that Daniel HUZINEC admitted taking of the minor child with his cell phone and transferring to his computer.

14. I personally viewed these images on January 27, 2015. Based on my visual inspection of these images, I believe they depict children under the age of eighteen.

15. The hard drive inside the laptop computer owned by Daniel HUZINEC has a Samsung hard drive manufactured outside the United States.

WHEREFORE, based on the foregoing, I respectfully submit there is probable cause to believe that Daniel HUZINEC did knowingly violate Title 18 United States Code, Section 2251(a), using a minor with the intent that such minor engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, and Title 18 United States Code, Section 2252A(a)(5)(B),

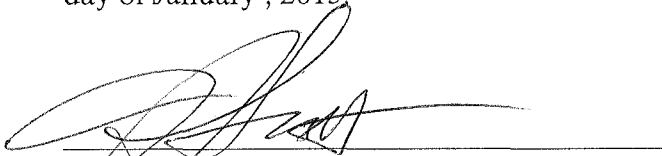
knowing possession of child pornography, in that the defendant used a computer to download and possess child pornography.



LeRoy Oswald III, Special Agent
Homeland Security Investigations

Sworn to before me this 27th

day of January , 2015.



HUGH B. SCOTT
UNITED STATES MAGISTRATE JUDGE